

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

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U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte SEI-NO-SUKE MIZUNO

Application No. 10/685,587

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on February 8, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the file indicates that on November 15, 2005, the examiner mailed an Examiner's Answer. A review of the Answer reveals that on page 3, section (8), the examiner includes the heading of "Evidence Relied Upon" but fails to list the references relied upon as evidence in the rejection of claims on appeal.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

(1) vacate the Examiner's Answer mailed on

November 15, 2005, and submit a corrected Examiner's Answer which identifies the list of references relies upon in the rejection of claims on appeal under the heading of "Evidence Relied Upon;" and

(2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

DALE M. SHAW

Program and Resource Administrator  
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cc: Rader, Fishman & Grauer PLLC  
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DMS/clm

SN 10-685,587

Assigned on 2/16/06

**Please review by 2/23/06 and return to Ms. Cook, for appeal number and docketing notice. Place on top of desk at ME/9D35.**

If a return is needed, please draft the return for administrator signature.

Thank you  
Laverne